

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANN C. WORD,

Plaintiff,

Civil Action No.
10-CV-13441

vs.

STATE OF MICHIGAN; MICHIGAN
STATE HOUSING AUTHORITY; DARCY
CARPENTER and BRANDY WESTCOT

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Defendants.

NOTICE OF IMPENDING DISMISSAL PURSUANT TO FED. R. CIV. P. 4(m)

This case was initiated on August 27, 2010, when Ann C. Word (“Plaintiff”) filed a “Petition for Judicial Review of an Administrative Agency’s Action and Request for Temporary Restraining Order” with this Court. Plaintiff did not include a summons with this filing. On November 4, 2010, the Court denied Plaintiff’s request for a temporary restraining order and ordered Plaintiff to show cause why her case should not be dismissed for lack of jurisdiction or adequate service of process. Plaintiff responded to this Order on November 15, 2010.

Plaintiff argues that her petition does not require a summons because she is requesting judicial review of an administrative agency decision. However, Plaintiff has not provided any persuasive statutory or case law showing that her claim does not require the normal procedure for service of process over a defendant in federal court. Accordingly, the Court finds that service of process has not been properly executed in this case.

Federal Rule of Civil Procedure 4(m) requires service of a summons within 120 days after a complaint is filed. If a defendant is not served within this time period, “the court . . . must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” *See also Bush v. City of Zeeland*, 74 Fed. Appx. 581 (6th Cir. 2003). Thus, the Court will dismiss this matter without prejudice unless Plaintiff effectuates proper service of a summons and complaint on the named Defendants within 21 days of this Order.

SO ORDERED.

S/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: December 21, 2010

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on December 21, 2010.

S/Denise Goodine
Case Manager